

Application No.: 10/614775

Case No.: 52320US018

**REMARKS**

In response to the Office Action dated April 5, 2005, Applicants have amended claims 59 and 63. Reconsideration and allowance of the pending claims are respectfully requested.

Claims 59 and 63 were rejected under 35 U.S.C. § 102 as being anticipated by U.S. Patent No. 3,738,904 to Ikeda et al. Claims 59 and 63 have been amended, with emphasis added, to recite a "birefringent first phase" and "a substantially nonbirefringent second phase disposed within the cells of said first phase." These amendments are supported in the application as filed at least by Figures 1, 2, and 3a-3c and the text on p. 5, line 27 to p. 6, line 3; p. 10, lines 24-28; p. 16, lines 10-22; and p. 22, lines 13-16.

Birefringence relates to the optical properties of the medium. Applicants respectfully submit that the Ikeda et al. patent does not disclose or suggest controlling the birefringence as recited in claims 59 and 63. In contrast, Ikeda et al. designed their film for entirely non-optical properties, such as for use as a bag, writing paper, or filter, as recited in the Abstract. In fact, the Examples in the Ikeda et al. patent recite an opacity between 87% (Example 2) and 98% (Example 4), which would provide for almost no transmission of light through the film and thus means that Ikeda et al. teach away from controlling the optical characteristics of the film. Applicants have designed their film to control the reflectance and transmission of the film, as recited in claims 59 and 63. Therefore, Applicants respectfully submit that claims 59 and 63 are patentable over Ikeda et al.

Claims 59 and 63 were rejected for obviousness-type double patenting over claims 30 and 31 of U.S. Patent No. 6,590,705. Applicants file herewith a Terminal Disclaimer to overcome the double patenting rejection.

The drawings were objected to under 37 C.F.R. § 1.83(a) as allegedly not showing the claimed features of "the open celled polymeric first phase and the second phase being disposed within the cells of the first phase." Applicants respectfully submit that these features are shown in Figures 1, 2, and 3a-3c, as explained by the collective teachings of the text on p. 5, line 27 to p. 6, line 3; p. 10, lines 24-28; p. 16, lines 10-22; and p. 22, lines 13-16.

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Based upon the above amendments and remarks, Applicants respectfully request reconsideration and allowance of the pending claims.

Respectfully submitted,

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Date

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